

Sealed 8th July 1994

T131(S)
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County	-	Somerset
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Parish Charity	-	Shepton Mallet Public Pleasure Grounds
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Place Charities	-	Shepton Mallet 1. Public Pleasure Grounds 2. Shepton Mallet Public Recreation/ Playground 3. In Support of Collett Park

CD(T2)
1,014,751 A/1
1,014,752 A/1
1,014,753 A/1

Adjudged not chargeable
with stamp duty

Scheme including appointment of
Trustee

CHARITY COMMISSION

In the matter of the following Charities in the County of Somerset:-

1. The Charity known as the Public Pleasure Grounds, in the Parish of Shepton Mallet, comprised in conveyance and trust deed dated the 22nd November 1921;
2. The Charity known as Public Recreation or Playground, at Shepton Mallet, comprised in conveyances and trust deeds dated the 5th January 1904, the 26th June 1909 and the 6th March 1914;
3. The Charity in support of Collett Park, at the said place, comprised in conveyance and trust deed dated the 9th August 1924; and

In the matter of the Charities Act 1993.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established as the Scheme for the regulation of the above-mentioned Charities:-

S C H E M E

1. Administration of Charities. (1) The above-mentioned Charities and the property thereof specified in the schedule hereto and all other the property (if any) of the Charities shall be administered and managed together as one Charity (the Charity) subject to and in accordance with the provisions of this Scheme by the Trustee hereinafter appointed.

(2) The name of the Charity shall be Shepton Mallet Recreation Ground Trust or such other name as the Trustee from time to time by resolution may decide with the prior approval of the Charity Commissioners.

TRUSTEE

2. Trustee and vesting. (1) The body corporate called the Shepton Mallet Town Council shall be the Trustee of the Charity.

(2) The land with the buildings thereon specified in the said schedule is hereby vested in the said Council for all the estate and interest therein belonging to or held in trust for the Charity.

OBJECT

3. Object of Charity. (1) The object of the Charity shall be the provision and maintenance of a recreation ground for the benefit of local inhabitants of Shepton Mallet (the area of benefit) without distinction of political, religious or other opinions, with the object of improving the conditions of life for the said inhabitants.

(2) The said land shall be held upon trust for use for the object of the Charity.

MINUTES AND ACCOUNTS

4. Minutes. The Trustee shall keep, in books maintained for the purpose, minutes of the proceedings of their meetings.

5. Accounts and annual report. (1) Until such time as Part VI of the Charities Act 1993 comes into force, statements of account in relation to the Charity shall be prepared and transmitted to the Commissioners in accordance with the Charities Act 1960, except if and in so far as the Charity is excepted by Order or regulations.

(2) Upon Part VI of the Charities Act 1993 coming into force, the Trustee shall comply with their obligations under that Act with regard to :

- (a) the keeping of accounting records for the Charity;
- (b) the preparation of annual accounts for the Charity;

- (c) the auditing or independent examination of the statements of account of the Charity;
- (d) the transmission of the statements of account of the Charity to the Commissioners; and
- (e) the preparation of an annual report and its submission to the Commissioners.

6. Annual return. The Trustee shall comply with their obligations under the Charities Act 1993 with regard to the preparation of an annual return and its transmission to the Commissioners.

7. Rules. Within the limits prescribed by this Scheme the Trustee may from time to time make and alter rules for the conduct of their business and in particular with reference to-

- (1) the terms and conditions upon which the said buildings may be used for the purposes specified in the Scheme by persons or bodies other than the Trustee and the sum (if any) to be paid for such use;
- (2) the appointment of an auditor, treasurer and such other unpaid officers as the Trustee may consider necessary and the fixing of their respective terms of office; and
- (3) the engagement and dismissal of such paid officers and servants as the Trustee may consider necessary.

INSURANCE

8. Insurance. The Trustee shall insure any buildings and effects from time to time belonging to the Charity to the full value thereof against fire and other usual risks arising out of the ownership of property and the employment of persons.

APPLICATION OF INCOME

9. Receipts and expenditure. (1) The income of the Charity including all payments for the use of the said land and all donations for the benefit thereof shall be paid into a trust account at such bank as the Trustee shall from time to time prescribe.

(2) The moneys standing to the credit of the said account shall be applied as the Trustee shall decide in maintaining the property of the Charity (including the repair and insurance of any building thereon and any furniture and effects therein) and in paying all rent (if any), rates taxes, salaries of paid officers and servants and other outgoings and in otherwise furthering the object of the Charity.

10. Surplus cash. Sums of cash at any time belonging to the Charity not needed for immediate working purposes shall be invested in trust for the Charity.

ANNUAL GENERAL MEETING

11. Annual general meeting. (1) There shall be an annual general meeting in connection with the Charity which shall be held in the month of April in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of 18 years of age and upward shall be entitled to attend and vote at the annual general meeting.

(3) The first annual general meeting shall be convened by the proper officer of Shepton Mallet Town Council every subsequent annual general meeting shall be convened by the Trustee.

(4) Public notice of every annual general meeting shall be given in the area of benefit at least 14 days before the date thereof.

(5) The Trustee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

LETTING AND SALE

12. Letting. Subject to the condition that the use of the remainder of the said land for the object of the Charity shall not be unduly interfered with, the Trustee may let any part thereof not for the time being required for use for the said object subject to such consents as are required by law.

13. Sale. If at any time the Trustee decide that on the grounds of expense or otherwise it is necessary or advisable to discontinue the use of the whole or part of the said land for the object of the Charity, and that decision is confirmed by a resolution passed by a majority of the inhabitants of the area of benefit of 18 years of age and upward attending and voting at a meeting of which public notice has been given in the area of benefit at least 14 days before the date thereof, the Trustee may subject to such consents as are required by law sell the said land or any part thereof and may do and execute all proper acts and assurances for carrying any such sale into effect.

14. Proceeds of sale. (1) Unless the Commissioners otherwise direct the clear proceeds of any such sale as aforesaid shall be invested in trust for the Charity.

(2) Thereafter, the Trustee shall apply the clear income and subject to the approval of the Commissioners the property of the Charity in furthering the object of the Charity or for such other charitable purposes for the general benefit of the inhabitants of the area of benefit as the Trustee think fit.

BORROWING

15. Authority to borrow money. Subject to such consents as are required by law the Trustee may borrow money and charge all or any part of the property belonging to the Charity with repayment of the money so borrowed.

GENERAL PROVISIONS

16. Donations. The Trustee may accept any donations or property for the general purposes of the Charity and they may also accept donations or property for any special objects connected with the Charity not inconsistent with the provisions of this Scheme.

17. Questions under Scheme. Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

 SCHEDULE
Charity numbered 1 above

Land containing four acres or thereabouts situate in Shepton Mallet in the County of Somerset being the land known as the Public Pleasure Grounds being part of the land comprised in the above-mentioned conveyance made the 22nd November 1921 between John Kyte Collett of the one part and The Urban District Council of Shepton Mallet of the other part.

Charity numbered 2 above

The following adjoining land situate in Shepton Mallet in the County of Somerset and known as the Public Recreation or Playground:

1. Land containing four acres three roods and twenty five perches or thereabouts being the land comprised in the above-mentioned conveyance made the 5th January 1904 between John Richard Allen of the one part and The Urban District Council of Shepton Mallet of the other part.
2. Land numbered part 048, 647 and 588 on the Ordnance Survey map (1888 edition) being the land comprised in the above-mentioned conveyance made the 26th June 1909 between John Kyte Collett of the one part and The Urban District Council of Shepton Mallet of the other part.

The following adjoining land comprised in the above-mentioned conveyance dated the 6th March 1914 between the said John Kyte Collett of the one part and the said Urban District Council of the other part:

3. Land containing three roods and three perches or thereabouts and numbered 588 on the Ordnance Survey map (1885 edition).
4. Land containing four perches or thereabouts and numbered 647 on the Ordnance Survey map (1885 edition).

Charity numbered 3 above

£557.86 cash on deposit account at the Shepton Mallet branch of National Westminster Bank Plc.

This schedule is made up to the 3rd May 1994.

Sealed by Order of the Commissioners this 8th day of July 1994.

L.S.

DT32.94 (x2) 03.02.94 HL